

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIATRACYE BENARD WASHINGTON,
Plaintiff,

v.

SALINAS VALLEY STATE PRISON,
et al.,
Defendants.

Case No. 22-cv-05831 BLF (PR)

**ORDER GRANTING MOTION TO
VACATE DISPOSITIVE MOTION
DEADLINE; EXTENDING TIME FOR
PLAINTIFF TO PROVIDE NAME OF
JOHN DOE NO. 3 (LT.);
TERMINATING OTHER MOTION
AS MOOT**

(Docket Nos. 38, 39)

Plaintiff, a state prisoner proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Dkt. No. 1. On May 21, 2024, the Court dismissed all John Doe defendants except for John Doe No. 3 (Lt.), and directed Plaintiff to provide this Defendant's proper name within twenty-eight days of the order. Dkt. No. 34. Plaintiff was later granted an extension of time until July 18, 2024, to do so. Dkt. No. 37. Meanwhile, Defendant Guijarro's summary judgment motion was also due by July 18, 2024. Dkt. No. 35.

Defendant Guijarro filed a motion to vacate the dispositive motion deadline pending Plaintiff's filing of an amendment identifying John Doe 3. Dkt. No. 39-1 at 2. Defendant's counsel, Mr. Ryan Gille, has filed a declaration stating that he and Plaintiff met and conferred to discuss Plaintiff's request for the identity of John Doe 3 and that they

1 plan to meet again on July 18, 2024. *Id.* In order to conserve judicial resources and legal
2 costs involving multiple dispositive motions, Defendants request that the Court vacate the
3 current dispositive motion deadline, to be rescheduled when and if Plaintiff files a DOE
4 amendment, and extend Plaintiff's time to identify John Doe. *Id.*

5 Good cause appearing, the motion is **GRANTED**. The current dispositive motion
6 deadline of July 18, 2024, is **VACATED**. Plaintiff is also granted an extension of time
7 **until August 19, 2024**, to provide the Court with the proper name of John Doe 3.

8 As Defendant's counsel is already assisting Plaintiff with identifying John Doe 3,
9 Plaintiff's motion for a court order to that effect is **DENIED** as moot. Dkt. No. 38.


10 The Court will reset briefing deadlines for a dispositive motion upon Plaintiff's
11 filing of a DOE amendment.

12 **Failure of Plaintiff to respond in the time provided by providing the proper**
13 **name for this Doe defendant will result in the dismissal of the claim against John Doe**
14 **No. 3 (Lt.) for failure to state a claim for relief.**

15 This order terminates Docket Nos. 38 and 39.

16 **IT IS SO ORDERED.**

17 **Dated: __July 18, 2024__**


18 BETH LABSON FREEMAN
19 United States District Judge
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